

BEFORE THE TAX COMMISSION OF THE STATE OF IDAHO

In the Matter of the Protest)	
)	DOCKET NO. 17154
[REDACTED])	
Petitioner.)	DECISION
)	
_____)	

On December 5, 2002, the Tax Discovery Bureau (Bureau) of the Idaho State Tax Commission issued a Notice of Deficiency Determination to [Redacted] (taxpayer), proposing income tax, penalty, and interest for taxable year 1998 in the amount of \$1,706.

The taxpayer filed a timely protest. She did not request a hearing. The Tax Commission, having reviewed the file, hereby issues its decision based upon the information contained in the file.

The taxpayer failed to file an Idaho individual income tax return for tax year 1998 even though she satisfied the filing requirements stated in Idaho Code § 63-3030. The Bureau requested and received a transcript of the taxpayer's federal income records from the Internal Revenue Service (IRS). The information was provided in accordance with Internal Revenue Code § 6103(d) and Idaho Code § 63-3077.

Idaho Code § 63-3045 (1)(a) states:

63-3045. Notice of redetermination or deficiency --
Interest. (1) (a) If, in the case of any taxpayer, the state tax commission determines that there is a deficiency in respect of the tax imposed by this title, the state tax commission shall, immediately upon discovery thereof, send notice of such deficiency to the taxpayer by registered or certified mail or by other commercial delivery service providing proof of delivery, whichever is the most cost efficient. The notice shall be sent to the taxpayer's last address known to the state tax commission. The notice of deficiency shall be accompanied by an explanation of the specific reason for the

determination and an explanation of the taxpayer's right to appeal. Within sixty-three (63) days after such notice is mailed, the taxpayer may, at his option, file a protest in writing with the state tax commission and obtain redetermination of the deficiency.

Because the taxpayer did not file her 1998 state income tax return, the Bureau prepared a provisional return and issued a deficiency notice. The income was determined by examining the W-2s and 1099s that had been filed with the IRS by the payer entities as required by federal code and the records retained by the Idaho Department of Labor. Withholding that was identified in Tax Commission records was credited to offset a portion of the resulting tax.

The taxpayer responded with a letter of protest wherein she explained that she was attempting to collect the required income information to be used in the preparation and filing of the missing return. She said she was an Idaho resident for only seven months in 1998. She asked for additional time.

Since the records supported the taxpayer's part-year residency, the Bureau sent the taxpayer an acknowledgment of her protest and revised figures to reflect seven months of Idaho residency. The taxpayer responded that she realized she had some tax obligation to Idaho but she did not agree with the revised amounts. She wrote that she was coming to Idaho in May and would collect the income information at that time and submit her Idaho return no later than May 13, 2003. May 13, 2003, came and went without any further communication from the taxpayer. The taxpayer's file was transferred to the Legal/Tax Policy Division for administrative review.

The taxpayer met the requirements for filing an Idaho income tax return for 1998. Yet, she has not filed her return. Nothing has been submitted that would cast doubt on the Bureau's amended determination, which was calculated after considering the information submitted by the taxpayer regarding her residency along with the taxpayer's income information reported to the IRS and the

records retained by the Tax Commission and the Idaho Department of Labor. The penalty and interest additions were calculated in conformity with Idaho Code §§ 63-3045 and 63-3046.

A Notice of Deficiency Determination issued by the Idaho State Tax Commission is presumed to be accurate. Parsons v. Idaho State Tax Com'n, 110 Idaho 572 (Ct. App. 1986). Having presented no information in support of her argument, the taxpayer has failed to meet her burden of proving error on the part of the deficiency determination. Albertson's, Inc. v. State, Dept. of Revenue, 106 Idaho 810 (1984).

WHEREFORE, the Notice of Deficiency Determination dated December 5, 2002, is hereby MODIFIED and, as so modified, is APPROVED, AFFIRMED, and MADE FINAL.

IT IS ORDERED and THIS DOES ORDER that the taxpayer pay the following tax, penalty, and interest for 1998:

<u>TAX</u>	<u>PENALTY</u>	<u>INTEREST</u>	<u>TOTAL</u>
\$1,104	\$276	\$348	\$1,728

Interest is computed through September 15, 2003.

DEMAND for immediate payment of the foregoing amount is hereby made and given.

An explanation of taxpayer's right to appeal this decision is enclosed with this decision.

DATED this ____ day of _____, 2003.

IDAHO STATE TAX COMMISSION

COMMISSIONER

CERTIFICATE OF SERVICE

I hereby certify that I have on this _____ day of _____, 2003, served a copy of the within and foregoing DECISION by sending the same by United States mail, postage prepaid, in an envelope addressed to:

[Redacted]
[REDACTED]

[Redacted]
